

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-340-T - ORDER NO. 2022-134
MARCH 18, 2022

IN RE	Application of Truemove LLC d/b/a College HUNKS Hauling Junk & Moving to Amend Tariff) ORDER DENYING) MOTION FOR) RECONSIDERATION
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I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) by the Application of Truemove LLC d/b/a College HUNKS Hauling Junk & Moving (Truemove) to amend its tariff. Truemove, holder of a Class E household goods motor carrier certificate, asked to increase its rates and to make other tariff changes on October 28, 2021. The Commission voted to approve the proposed tariff amendments in part, and to deny the proposed amendments in part, at its regular business meeting on January 13, 2022. On January 25, 2022, after the January 13, 2022 business meeting, but before the Commission issued its order, Truemove sent a letter via electronic mail to the Commission noting its intent to appeal the Commission's directive of January 13, 2022. The Commission issued its order on February 2, 2022¹. Truemove sought clarification of the order and its earlier email but did not file a motion for reconsideration of Order No. 2022-22. On February 24, 2022, the Commission voted to accept Truemove's appeal letter and request for clarification as a motion for reconsideration on the issue raised by the

¹ See Order No. 2022-22, *Order Approving Proposed Tariff Amendments in Part, and Denying Proposed Amendments in Part*.

applicant. The Commission denied Truemove's motion and clarified that Order No. 2022-22 is the final order regarding the docket.

II. FACTS AND PROCEDURAL HISTORY

The Commission first granted Truemove Class E certification as a household goods motor carrier on a state-wide basis on May 14, 2019. In its application filed on October 28, 2021, Truemove sought to increase its rates for moving services and to make other changes to its tariff. More specifically, Truemove asked to reduce or shorten the amount of time a customer has to make a claim for damages from thirty (30) days to seven (7) days. On January 13, 2022, the docket came before the Commission in a regularly scheduled business meeting. The Commission heard the following motion from a Commissioner:

I move the Commission approve the application of Truemove, LLC, d/b/a College Hunks Hauling Junk and Moving, to amend its rates and charges. However, I move the Commission deny Truemove's request to require a customer to report a claim for damages in seven days. The currently approved thirty-day allowance is in keeping with the Commission's recent findings that a minimum of thirty days to make a claim is just and reasonable to the consumer. I also move that the Commission direct Truemove to establish the thirty-day claim period in its bill of lading so that the bill of lading is consistent with the tariff. Truemove shall submit a final amended tariff and final amended bill of lading to the Commission within fifteen days.

The Commission engaged in discussion regarding the request of Truemove to amend its tariff to reduce the amount of time a customer is required to make a claim for damages to the company, from the currently-approved time frame of thirty days to seven days. After discussion, the Commission voted to approve the motion.

After the business meeting action of January 13, 2022, but before the Commission issued an order in the docket, Truemove sent a letter via electronic mail to the Commission

on January 25, 2022, requesting the proposed change to require a customer to make a claim for damages within seven days. Truemove noted its January 25, 2022 emailed letter was “intended to serve as an official Appeal to the Public Service Commission of South Carolina Commission Directive”

Commission Staff responded to Truemove by electronic mail to all parties on February 2, 2022, providing the requested status of the docket and advising all parties of the relevant regulations regarding filing a motion for reconsideration.

The Commission issued Order No. 2022-22 on February 2, 2022, denying the seven-day claims period, concluding the proposed amendment was “not a just and reasonable practice pursuant to Regulation 103-195.” Thereafter, Truemove requested clarification of the order but did not submit a motion for reconsideration of the order.

On February 24, 2022, the docket again came before the Commission for consideration of Truemove’s request for clarification of Order No. 2022-22. The Commission took action to “accept the Applicant’s appeal letter and subsequent request for clarification as a Motion for Reconsideration on the issue” raised in the emailed letter, and to deny the Motion for Reconsideration, finding Order No. 2022-22 the final order in the docket.

III. LAW

The Commission is specifically authorized to regulate carriers of household goods, and to set their rates and charges: “[t]he commission must promulgate regulations necessary to control entry and certification standards, set rates and charges, and establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal.” S. C. Code Ann. § 58-23-590 (2015).

The Commission is authorized to fix or approve the rates charged by every South Carolina motor vehicle carrier: “[t]he commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier The rates once established remain in effect until such time when the commission determines the rates are unreasonable.” § 58-23-1010.

In addition, Regulation 103-190 requires all tariffs to be approved before a company may perform any service: “No motor freight carrier who operates under a Certificate of PC&N may operate or perform any service under its operating authority until rates, fares, charges, classifications, and rules for the services to be performed shall have been approved by the commission.” S.C. Code Ann. Regs. 103-190 (2012).

Furthermore, all motor carriers operating under Class E certification must establish just and reasonable regulations and operating procedures:

Every motor carrier of property operating under a Certificate of PC&N and FWA shall provide safe and adequate service, equipment, and facilities for the transportation of property, **and shall establish, observe, and enforce just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.**

S.C. Code Ann. Regs. 103-195 (emphasis added).

The Commission is authorized to change or revise any rates or rules of a carrier operating with a certificate of public convenience and necessity:

1. The commission **shall make, fix, establish, or allow just and reasonable** rates, fares, charges, classifications, and **rules** for all motor carriers subject to its rate jurisdiction.
2. As often as circumstances may require, the commission upon notice and hearing, if deemed necessary, from time to time **may change or revise**, or cause to be changed or revised, any rates, fares, charges, classifications, **and rules of a carrier who operates under a Certificate of PC&N.**

S.C. Code Ann. Regs. 103-191 (emphasis added).

Regulation 103-854 states:

Unless otherwise provided by law, no cause of action shall accrue in any court of competent jurisdiction to vacate or set aside any **Order** of the Commission, either in whole or in part, unless a petition for rehearing or reconsideration and proof of service are filed with the Commission, and an Order has been issued disposing of the matter.

- A. Form, Contents of Petition for Rehearing or Reconsideration. All petitions for rehearing or reconsideration shall conform to R. 103-825.
- B. Time limit for filing a petition for rehearing or reconsideration. Except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976), any party of record may, **within 20 days after the date of receipt of Order**, petition the Commission for rehearing or reconsideration. A Petition for Reconsideration shall be subject to the same statutory parameters as a Petition for Rehearing.
- C. Action by the Commission. The Commission must act upon the petition for rehearing or reconsideration within thirty (30) days after such petition is filed except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976). Failure to act within this time period shall be deemed a denial of the relief sought in the petition.
- D. Effect of Filing a Petition. Filing a petition shall not excuse or delay compliance with an Order issued by the

Commission, unless specifically provided by the Commission.

IV. ANALYSIS

We recognize Truemove filed a motion to appeal the directive of the Commission prior to the issuance of its order and did not properly file a Motion for Reconsideration which is required prior to filing of an appeal; however, we accept Truemove's appeal letter and subsequent request for clarification as a Motion for Reconsideration on the issue of a seven-day time period for a person to file a claim against the carrier for damages, injury, loss, or delay in the moving of property.

In Order No. 2022-22, the Commission found the rates and certain other requested amendments proposed by Truemove were just and reasonable, with the exception of Truemove's request to limit the time a customer may make a claim for damages from the current thirty-day period to a seven-day proposed time period. In its order, the Commission found the seven-day proposed time period was not just and reasonable to the customer, and thus we declined to approve the requested amendment to the thirty-day claim period.

Judicial notice is taken of the Federal Uniform Bill of Lading which provides for a nine-month period for claims to be made in writing with the carrier on whose line the loss, damage, injury, or delay occurred. (*See* 81 FR 8852, February 23, 2016. Section 2(a)).

V. CONCLUSION

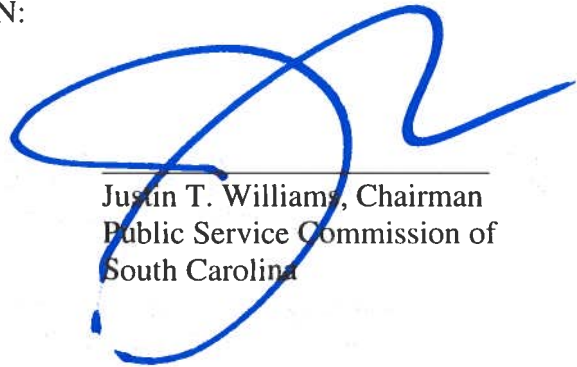
Having reviewed the correspondence of Truemove, we find no reason to reconsider Order No. 2022-22. The order made findings and conclusions consistent with the authority of the Commission and the law. Accordingly, we deny reconsideration of Order No. 2022-22.

We deny Truemove's Motion for Reconsideration of the thirty-day time period for making a claim against the carrier for damage, loss, injury, or delay related to property.

Order No. 2022-22 is the final order of the Commission in this docket.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina